



DIVISION OF PLANNING FREDERICK COUNTY, MARYLAND

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To: Board of County Commissioners

FROM: Erlc Soter, Director, Division of Planning

DATE: December 17, 2009

RE: Child Care Center/Nursery School Text Amendment (ZT-09-07)

ISSUE

In light of recent changes to the County development process, the Board of County Commissioners has received requests for reconsideration of childcare center/nursery school as a permitted use within the Agricultural zoning district. Based on this request, the Board of County Commissioners reviewed a draft text amendment to address this issue on November 12, 2009. Upon review of the draft text amendment the BOCC initiated a formal text amendment to move forward through the public hearing process.

BACKGROUND

Over the past several months, the BOCC has continued to receive requests for consideration of Child care center/nursery school as a permitted use within the Agricultural zoning district associated with a principal permitted use, specifically Place of Worship.

The Child Care Center/Nursery School *Draft* Text Amendment was prepared to address this issue. The proposed draft amendment creates a two-tier review that would:

1. Amend the accessory use section of the zoning ordinance (proposed as 1-19-8.230.3) to permit child care center/nursery school as an accessory use to a place of worship in the A and RC zoning districts where 5 criteria have been met. The maximum in attendance would be limited to 30 children, and the child care center/nursery school would be required to be located within a building utilized for a place of worship. The criteria are similar to the existing requirements in section 1-19-8.250.3 for child care centers in the ORI district.
2. Permit a child care center/nursery school as a special exception in the A district. The approval criteria for the special exception (proposed as 1-19-8.323) are similar to existing special exception criteria for child care center/nursery school permitted within other zoning districts (1-19-8.329). Within the approval criteria, subsection (A) requires that the child care center/nursery school shall be operated not for profit within buildings or structures on premises which are owned or leased by an existing, or with final site development plan approval, permitted institutional use.

The proposed text amendment would provide for child care center/nursery school uses as defined in section 1-19-11.100 which operates above and beyond the typical 'Sunday School' operation.

Institutional uses as permitted within Section 1-19-5.310 Use Table for the Agricultural zoning district include:

Civic community center	Civic service club
Group home, small private	Group home, large
Place of worship	Community fire and rescue service

The Frederick County Planning Commission (FCPC) held a public hearing on December 16, 2009 and recommended approval of the proposed text amendment with an additional recommendation for consideration. The additional recommendation is detailed further within the FCPC Transmittal Memorandum. Public comment received regarding the Planning Commission public hearing has been attached for your reference.

STAFF RECOMMENDATION

Staff requests direction regarding the Child Care Center/Nursery School in the A/RC Text Amendment.

EXHIBITS

Exhibit 1 – Child Care Center/Nursery School in the A/RC Text Amendment
Exhibit 2 – Public Comment